IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

WRIT APPEAL NO : 1829 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/09/2005 in WP NO : 20173 OF 2005 on the file of the High Court.)

Between:

Nimmakayala Murali Krishna, s/o Lakshmi Narayana,
M/s.Sri Balaji Rice Mill, Beside Sharma Petrol Bunk,

Pedakakani, Guntur District.

..... APPELLANT

AND

The Chief Manager and Authorised Officer

under the Securitisation and

Reconstruction of Financial Assets
and Enforcement of Security Interest Act, 2002,

The South Indian Bank Ltd., Regional Office 23/1, 2nd Floor,
Baba Chambers, Richmond Road, Bangalore-560 025.

.....RESPONDENTS

JUDGMENT: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

Writ Petitioner-Appellant did not challenge the liability, and he entered into even one time settlement with respondent-bank on 23-10-2004. According to his own admission, out of the liability of Rs.26.76 lakhs, he had agreed to pay Rs.24.50 lakhs by or before 31st of January, 2005 as one time settlement. He failed to discharge the liability in terms of one time settlement, and the respondent-bank issued a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') on 27-06-2005, which was challenged by the petitioner-appellant by way of writ petition. The learned single Judge has been kind enough to the petitioner-appellant by staying the notice issued under Section 13(2) of the Act, with a condition that he would deposit an amount of Rs.8,00,000/-. That order was passed by the learned single Judge on 13th September, 2005, and the petitioner-appellant was given time upto 27-09-2005. Said order is challenged in this appeal.

We fail to understand as to how an appeal is maintainable against the impugned order. Even on admission of the petitioner, he has paid some amount after January, 2005, but still, he has to pay an amount of about Rs.16 lakhs. We do not find any grounds to interfere with the order passed by the learned single Judge.

Writ Appeal is, accordingly, dismissed. No costs.

(Bilal Nazki, A.C.J)

27th September, 2005

(R.Subhash Reddy, J)

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